

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

AETNA INC., *et al.*,

Plaintiffs,

v.

OPEN MRI AND IMAGING OF RP
VESTIBULAR DIAGNOSTICS, P.A.,

Defendants.

Civil Action No.: 21-cv-20043-CCC-ESK

ORDER

This matter comes before the Court on Magistrate Judge Edward S. Kiel’s Report and Recommendation (“R&R”), issued on January 4, 2024, granting in part and denying in part Plaintiffs Aetna, Inc. and Aetna Life Insurance Company’s (together, “Aetna”) motion for sanctions (ECF No. 75) against Defendants.¹ ECF No. 108. The motion for sanctions was filed on January 7, 2023, the Conte Defendants filed opposition on February 13, 2023 (ECF No. 82), Aetna filed a reply on February 21, 2023 (ECF No. 86), and the parties made supplemental submissions in May 2023 (ECF Nos. 94, 95). In issuing the R&R, Magistrate Judge Kiel also recommends striking the Conte Defendants’ answer and entering default against them, and granting Aetna leave to file for default judgment against the Conte Defendants. ECF No. 108 at 1. No objections to the R&R have been filed. This Court has considered Judge Kiel’s R&R, and for substantially the same reasons stated therein,

¹ Defendants are as follows: (i) Open MRI and Imaging of RP Vestibular Diagnostics, P.A.; (ii) Vestibula Diagnostics, P.A.; (iii) Universal Wellness Medical, Inc.; (iv) St. Irene Realty Corp.; (v) Stephen J. Conte, D.O.; and (vi) Eugene DeSimone, M.D. (collectively, the “Conte Defendants”).

IT IS on this 5th day of March, 2024,

ORDERED that this Court adopts Judge Kiel's January 4, 2024, R&R (ECF No. 108) that (i) Aetna's motion for sanctions be granted in part and denied in part; (ii) the Conte Defendants' answer be stricken and default be entered upon them; and (iii) Aetna be granted leave to file for default judgment against the Conte Defendants; and it is further

ORDERED that Aetna's motion for sanctions (ECF No. 75) is hereby **GRANTED in part and DENIED in part** in accordance with Judge Kiel's R&R (ECF No. 108); and it is further

ORDERED that the Conte Defendants' answer (ECF No. 77) is hereby stricken and the Clerk of the Court is directed to enter default against the Conte Defendants; and it is further

ORDERED that Aetna is here granted leave to file a motion for default judgment against the Conte Defendants within thirty (30) days of the date of this Order.

SO ORDERED.

s/ Claire C. Cecchi

CLAIRE C. CECCHI, U.S.D.J.